IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

Bail Appl..No. 540 of 2007()

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CRIME NO.579/06 OF VADAKKENCHERRY POLICE STATION.

: PETITIONER/ACCUSED NO.5:

S.S. SHARJA HUSSAIN, AGED 33 YEARS,
S/O.SAHEERUDHEEN, 10/46, V.H.ROAD, PALAKKAD.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE,
VADAKKENCHERRY POLICE STATION, PALAKKAD,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.540 OF 2007

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DATED THIS THE 1ST DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 5th accused in Crime No.579/06 of Vadakkencherry Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly transporting 11800 litres of spirit in a tanker lorry on 5.12.2006, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 5.12.2006 at about 6.15 AM, a tanker lorry which was signaled to stop had proceeded ignoring the signal and that a Tata Sumo was accompanying the lorry and accused Nos.2 to 4 were in the Tata Sumo. As against the petitioner, the case of the prosecution is that he was constantly contacting the 4th accused over mobile phone and giving directions regarding the transportation of the spirit carried in the lorry.

4. It is too early to accept the petitioner's contention that there is nothing to connect with the offence and that he has been falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-